



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kenji Kuwabara and
Tomiyoshi Aoki

Group Art Unit: 1614

SERIAL NO.: 10/781,433

Examiner: To Be Assigned

FILED: February 17, 2004

Attorney Docket No.: 44342.018001

TITLE: HETEROCYCLIC COMPOUNDS

PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

S I R:

Applicant hereby requests that the above-identified patent application, U.S. Serial No. 10/781,433 be accorded its original filing date of February 17, 2004, pursuant to 37 C.F.R. 1.182.

On February 17, 2004, the instant divisional application was filed as a divisional of Non-Provisional Application 10/276,670 filed on November 18, 2002. The Divisional application contained 147 pages of specification, 3 pages of claims; 1 page abstract and 0 pages of drawings. A copy of the postcard submitted and stamped by the PTO is attached as Exhibit A. In the postcard it lists the contents that were submitted to the PTO on February 17, 2004. As can be seen from the postcard, the complete set of specifications, 147 pages of the specifications were submitted with the application. Pursuant to MPEP §503, the stamped postcard submitted with this Petition “serves as a *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.”

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Attorney Docket No.: 44342.018001
U.S. Serial No.: 10/781,433
Page 2

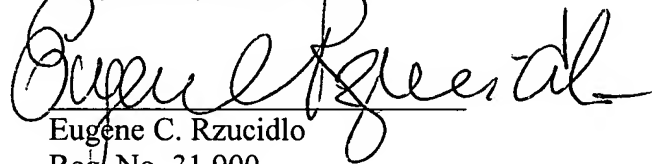
Accordingly, applicant respectfully requests that the above identified application be accorded the original filing date of February 17, 2004.

Pursuant to 37 C.F.R. 1.182, the petition is accompanied by: (1) the missing specification page 129 for submission in support of application serial number 10/781,433 and (2) the petition fee under 1.17(h) and (3) a copy of PTO Stamped Postcard submitted as Exhibit A.

Please charge the \$130 petition fee pursuant to 37 CFR 1.17(h) to Deposit Account No. 501561, in the name of Greenberg Traurig LLP.

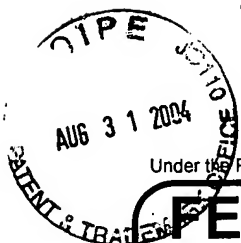
The undersigned respectfully requests prompt attention to this matter.

Respectfully submitted,



Eugene C. Rzucidlo
Reg. No. 31,900

Date: August 30, 2004
Greenberg Traurig, LLP
Attorneys for Applicant
885 Third Avenue - 21st Floor
New York, NY 10022
Phone: (212) 801-2100
Facsimile: (212) 688-2449



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004 <i>Effective 10/01/2003. Patent fees are subject to annual revision.</i>		Complete if Known	
		Application Number	10/781,433
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	February 17, 2004
		First Named Inventor	K. Kuwabara, et al.
TOTAL AMOUNT OF PAYMENT (\$)		Examiner Name	
		Art Unit	1614
		Attorney Docket No.	44342.018001

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																															
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<input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 50-1561 Deposit Account Name: Greenberg Traurig		<table border="1"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th><th rowspan="2">Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non - English specification</td><td></td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Eugene C. Rzucidlo	Registration No. (Attorney/Agent)	31,900
Signature		Telephone	212-801-2100
		Date	August 30, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Applicant (s): K. Kuwabara, et al

Application : TBA

Filed: Div. 1 of 10/276,670

Title: HETEROCYCLIC COMPOUNDS

Date Mailed: 2/17/04

Attorney: BJS/rsf

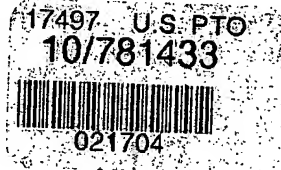
Docket No.: 44342.018001

Receipt is hereby acknowledged by return of this postal card properly stamped by the US PTO for the

above noted matter of the following:

- (1) Utility Patent Application Transmittal;
- (2) Fee Calculation sheet Authorization to Deduct the amount of \$770.00 from the deposit account 501561;
- (3) Patent Application (147 pgs of specs; 3 pg. Claims; 1 abstract; 0 pgs drgs Total 151 pgs);
- (4) Combined Oath/Declaration; Power of Attorney from parent appln.;
- (5) Express Mail Certificate;
- (6) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents;

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